

L-32 STATE OF HAWAII  
OFFICE OF ASSISTANT REGISTRAR  
RECORDED

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on Cert(s) 523,281 & 561,549

/s/ CARL T. WATANABE  
ASSISTANT REGISTRAR *lw*

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL  PICKUP

McCorriston Miller Mukai MacKinnon LLP  
Attention: Sharon H. Nishi, Esq.  
P.O. Box 2800  
Honolulu, Hawaii 96803-3800

TG: A294155P

*l/c*

This Document Contains 5 Pages

**AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM PROPERTY REGIME  
OF HAWAII TOWER**

WHEREAS, the Declaration of Condominium Property Regime for the Hawaiki Tower condominium project (the "Project"), dated December 19, 1997, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii (the "Office") as Document No. 2428170; and has been amended by instruments dated March 10, 1998, --- 1999, and June 3, 1999, filed in the Office as Document Nos. 2442735, 2542893 and 2551754 and noted on Transfer Certificate of Title No. 523281 (collectively, the "Declaration"); and

WHEREAS, the plans and elevations for the Project were filed in the Office as Condominium Map No. 1227 (the "Condominium Map").

WHEREAS, Paragraph R.6 of the Declaration provides in pertinent part that the owners of the respective apartments can change the designation of the parking stalls which are limited common elements appurtenant to their respective apartments by filing in the Office an amendment to the Declaration executed by such apartment owners; and

WHEREAS, as noted on Transfer Certificate of Title No. 523281, NAURU PHOSPHATE ROYALTIES (HONOLULU), INC., a Delaware corporation (“NPRH”), and NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC., a Delaware corporation (“NPRD”), are the current owners of Hawaiki Tower Apartment No. 301, to which parking stalls nos. 58, 121, 262, 599, 698, 708, 709, 733, 776, 780 and 782, and storage rooms P510 and P511 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, as noted on Transfer Certificate of Title No. 561,549, KAZUO SHIOHARA (“Shiohara”) is the current owner of Hawaiki Tower Apartment No. 3002, to which parking stalls nos. 331 and 332 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, NPRH, NPRD and Shiohara desire to change the designation of parking stalls appurtenant to their respective Apartments as provided hereinbelow.

NOW, THEREFORE, in consideration of the premises set forth hereinabove and pursuant to the provisions of Paragraph R.6 of the Declaration, the parties hereto hereby amend the Declaration as follows:

1. The designation of the parking stalls and storage rooms that are appurtenant to Hawaiki Tower Apartments Nos. 301 and 3002, as set forth in the Declaration, are changed so that those apartments shall have, as limited common elements appurtenant thereto, the following parking stalls and/or storage rooms, as shown on the Condominium Map:

<u>Apartment No.</u>	<u>Parking Stall<sup>1</sup> No(s).<sup>2</sup></u>	<u>Storage Room</u>
301	58, 121, 262, 331TC, 332TC*, 698, 708TC*, 709TC, 733, 776, 780 & 782*	P511 P510
3002	599	

<sup>1</sup> Unless marked with an “\*”, each parking stall has appurtenant to it a storage cabinet located above the parking stall

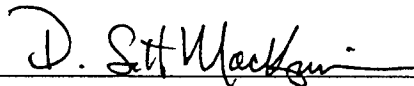
\* No storage cabinet appurtenant to the parking stall

<sup>2</sup> C -- Compact; T -- Tandem; TC -- Tandem Compact; H -- Handicap

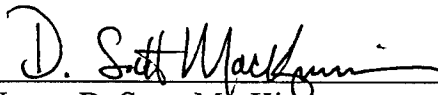
2. Exhibit C to the Declaration is revised by deleting the reference to the parking stalls and storage rooms appurtenant to Apartments Nos. 301 and 3002, and by substituting in place thereof a reference to the parking stalls and storage rooms appurtenant to the respective apartments as set forth in Paragraph 1 hereinabove. As and from the date of this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower, the parking stalls and storage rooms referred to in Paragraph 1 hereinabove shall be assigned and appurtenant, as limited common elements, to the apartments in accordance with Paragraph 1 hereinabove.

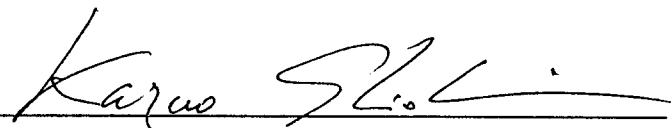
IN WITNESS WHEREOF, the undersigned have, pursuant to the rights expressly reserved to them under the provisions of Paragraph R.6 of the Declaration, executed this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower as of the 29th day of September, 2000.

NAURU PHOSPHATE ROYALTIES (HONOLULU), INC.  
a Delaware corporation

By   
Name: D. Scott MacKinnon  
Title: Assistant Secretary

NAURU PHOSPHATE ROYALTIES DEVELOPMENT  
(HONOLULU), INC.  
a Delaware corporation

By   
Name: D. Scott MacKinnon  
Title: Assistant Secretary

  
KAZUO SHIOHARA

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 29th day of September, 2000, before me appeared D. SCOTT MacKINNON, to me personally known, who, being by me duly sworn, did say that he is the Assistant Secretary of NAURU PHOSPHATE ROYALTIES (HONOLULU), INC., a Delaware corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said officer acknowledged said instrument to be the free act and deed of said corporation.

LS

Christine I. Kempczenski  
Name: Christine I. Kempczenski  
Notary Public, State of Hawaii  
My commission expires: 11/23/00

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 29th day of September 2000, before me appeared D. SCOTT MacKINNON, to me personally known, who, being by me duly sworn, did say that he is the Assistant Secretary of NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC., a Delaware corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said officer acknowledged said instrument to be the free act and deed of said corporation.

LS

Christine I. Kempczenski  
Name: Christine I. Kempczenski  
Notary Public, State of Hawaii  
My commission expires: 11/23/00

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 29th day of September, 2000, before me appeared KAZUO SHIOHARA, to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing instrument as his free act and deed.

65

Christine J. Kempczenski  
Name: Christine J. Kempczenski  
Notary Public, State of Hawaii  
My commission expires: 11/23/00